

FCC MAIL ROOM

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. 97-26
FM Broadcast Stations.)	RM-8968
(Detroit, Howe, and Jacksboro, Texas, Antlers)	RM-9089
and Hugo, Oklahoma))	RM-9090
)	
In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 97-91 ✓
Table of Allotments,)	RM-8854
FM Broadcast Stations.)	RM-9221
(Lewisville, Gainesville, Robinson, Corsicana,)	
Jacksboro and Mineral Wells, Texas))	

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: September 27, 2000

Released: October 11, 2000

By the Chief, Allocations Branch:

1. The Allocations Branch has before it the Report and Order in this proceeding, 13 FCC Rcd 15591 (1998). Metro Broadcasters-Texas, Inc. ("Metro Broadcasters") filed an Application for Review. Great Plains Radiocasting ("Great Plains") filed a Request for Immediate Issuance of Erratum. Hispanic Broadcasting Corporation (formerly Heftel Broadcasting Corporation) filed a Petition for Partial Reconsideration. Jerry Snyder and Associates, Inc. ("Jerry Snyder") filed an Application for Review. Metro Broadcasters and Jerry Snyder both filed an Opposition to Petition for Partial Reconsideration. K95.5, Inc. filed an Opposition to Request for Immediate Issuance of Erratum. Hispanic Broadcasting filed a Consolidated Opposition to Applications for Review. For the reasons discussed below, we are dismissing the Applications for Review and the Petition for Partial Reconsideration directed to the Report and Order. In addition, we are granting the Request for Immediate Issuance of Erratum to the extent of deleting the Channel 294C2 allotment at Detroit, Texas.

2. On June 6, 2000, Jerry Snyder filed a letter requesting that its Application for Review be dismissed as moot. In that letter, Jerry Snyder refers to the Report and Order in MM Docket 98-198. 15 FCC Rcd 5506 (2000). In that Report and Order, we substituted Channel 238A at Jacksboro, Texas, which, in turn, negated the need for Jerry Snyder to modify the license of its Station KYXS, Mineral Wells, Texas, in this proceeding. As correctly noted by Jerry Snyder, its Application for Review is now moot and will be dismissed. In a similar context, Metro Broadcasters filed a Motion to Dismiss Application for Review. In that Motion, Metro Broadcasters notes that the Report and Order in MM Docket No. 98-198 granted the upgrade of its Station KHYI, Howe, Texas, to specify operation on Channel 237C2. Inasmuch as the Metro Broadcasters Application for Review is directed against the dismissal of this upgrade proposal in this proceeding, we are also dismissing this Application for Review as moot. Hispanic Broadcasting

Corporation filed a Motion to Dismiss Petition for Partial Reconsideration. In this Motion, Hispanic Broadcasting states that neither it nor any of its principals have or will receive any consideration in return for the filing of this Motion or the dismissal of its Petition for Partial Reconsideration. As requested, will dismiss the Petition for Partial Reconsideration.

3. We are granting the Request for Immediate Issuance of Erratum filed by Great Plains to the extent of deleting the Channel 294C2 allotment at Detroit, Texas. In this Request, Great Plains refers to the fact that prior to the adoption of the Report and Order in this proceeding, it filed a Withdrawal of Expression of Interest. In that Withdrawal, Great Plains stated that it was no longer interested in filing pursuing its proposed Channel 294C2 at allotment at Detroit, Texas. In accordance with Section 1.420(j) of the Rules, Great Plains stated that it neither had or will receive any consideration in exchange for the withdrawal of its expression of interest. In view of the fact that we will not allot a channel in the absence of an expression of interest, we will delete the Channel 294C2 allotment at Detroit, Texas.

4. Accordingly, pursuant to Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 28, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

Community

Channel No.

Detroit, Texas

5. IT IS FURTHER ORDERED, That the aforementioned Application for Review filed by Metro Broadcasters-Texas, Inc. IS DISMISSED.

6. IT IS FURTHER ORDERED, That the aforementioned Application for Review filed by Jerry Snyder and Associates, Inc. IS DISMISSED.

7. IT IS FURTHER ORDERED, That the aforementioned Petition for Partial Reconsideration filed by Hispanic Broadcasting Corporation IS DISMISSED.

8. IT IS FURTHER ORDERED, That the aforementioned Request for Immediate Issuance of Erratum filed by Great Plains Broadcasting IS GRANTED to the extent indicated above.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Robert Hayne, Mass Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau